

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 21-cr-108(PAM/TNL)

Plaintiff,

v.

MEMORANDUM IN SUPPORT OF
MOTION TO STRIKE

(1) Derek Chauvin,
(2) Tou Thao,
(3) J. Alexander Kueng, and
(4) Thomas Lane,

Defendant.

The Court may strike language under Federal Rule of Criminal Procedure 7(d) if the Defendant establishes the language at issue is inflammatory and prejudicial to the Defendant. United States v. Schuler, 458 F3d 1148, 1153 (10th Cir. 2006). In this unique prosecution the language in issue is false and prejudicial. Thomas Lane started working as a police officer on May 21, 2020. He had worked as a police officer four shifts as of May 25, 2019. Prior to that he was a recruit. The sentence is certainly prejudicial because one of the main issues at trial will be the experience of ex-officer Lane. The first sentence of paragraph four is adequate to plead the elements of the crime charged, the rest is indeed surplusage.

Dated this 3rd day of August, 2021.

Respectfully submitted,

s/Earl P. Gray
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